

MARKS & KLEIN
Andrew P. Bleiman, Esq.
1363 Shermer Road, Suite 318
Northbrook, Illinois 60062
Telephone: (312) 206-5162
E-mail: andrew@marksklein.com

LEE HIGH, LTD.
Cecilia Lee, Esq.
Nevada Bar No. 3344
Elizabeth High, Esq.
Nevada Bar No. 10082
448 Ridge Street
Reno, Nevada 89501
Telephone: 775.499.5712
Email: c.lee@lee-high.com
Email: e.high@lee-high.com

Attorneys for Plaintiff HP Tuners, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HP TUNERS, LLC, a Nevada limited liability
company,

Plaintiff,

vs.

KENNETH CANNATA,

Defendant.

Case No. 3:18-cv-00527-LRH-WGC

**JOINT DISCOVERY PLAN AND
SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW
REQUESTED**

CERTIFICATION: This Joint Proposed Discovery Plan and Scheduling Order is timely filed pursuant to Court Order. Docket No. 13.

Plaintiff HP Tuners, LLC (“Plaintiff”) and Defendant Kenneth Cannata (“Defendant”), by and through their respective undersigned counsel, hereby submit this Joint Proposed Discovery Plan and Scheduling Order. The parties propose a slightly longer period for discovery given that the parties reside in different states, there is a pending Motion to Dismiss that had an extended briefing schedule, Defendant anticipates filing a counterclaim against Plaintiff, and the case

involves complex technology issues for which the parties may need to involve multiple experts.

1. Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1, a telephonic meeting was held on January 30, 2019, and was attended by:

Andrew P. Bleiman, Esq., attorney for Plaintiff
Elizabeth High, Esq., attorney for Plaintiff
Bart K. Larsen, Esq., attorney for Defendant

2. **Joint Discovery Plan.** The parties propose to the Court the following Discovery Plan:

- a. **Initial Disclosures.** The parties agree to exchange initial disclosures by March 1, 2019.
- b. **Discovery Cut-Off Date.** Discovery will close on **October 31, 2019**.
- c. **Disclosure or discovery of electronically stored information.** The parties agree to preserve electronically stored information that pertains to these proceedings until resolved.
- d. **Claims of privilege or of protection as to trial preparation materials.** The parties agree to meet and confer to try to resolve the issue prior to seeking the Court's assistance.
- e. **Expert Disclosures:** Pursuant to LR 26-1(b)(3), expert disclosures under Fed. R. Civ. P. 26(a)(2) are due on or before **September 3, 2019**. Sixty days prior to the close of discovery (October 31, 2019) is Sunday, September 1, 2019. Pursuant to Fed. R. Civ. P. 6(a)(1)(C), the deadline is extended to the next court day that is not a weekend or legal holiday.
- f. **Rebuttal Expert Disclosures:** Pursuant to LR 26-1(b)(3), rebuttal-expert disclosures are due on or before **October 3, 2019**.

3. **Other Items:**

- a. **Amending the Pleadings and Adding Parties:** The last day to file motions to amend pleadings or add parties is **August 2, 2019**, which is 90 days prior to the date discovery closes.

b. **Dispositive Motions:** The parties each expect to file dispositive motions requesting that judgment be entered in their favor. Dispositive motions must be filed by **December 2, 2019**. Thirty days after the discovery cut-off date is Saturday, November 30, 2019. Pursuant to Fed. R. Civ. P. 6(a)(1)(C), the deadline is extended to the next court day that is not a weekend or legal holiday. The parties hereby request a scheduling order be entered for submission of dispositive motions.

c. **Pretrial Order:** The parties agree the Pretrial Order must be filed by **January 2, 2020**. Thirty days after the dispositive motion deadline is Tuesday, January 1, 2020, which is a legal holiday. Pursuant to Fed. R. Civ. P. 6(a)(1)(C), the deadline is extended to the next court day that is not a weekend or legal holiday. The parties agree that if any Dispositive Motions are filed, the due date for filing the Joint Pretrial Order will be suspended until thirty (30) days after decision on the Dispositive Motion(s) or further order of the Court. Id. The parties agree that the pretrial disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections to them must be included in the joint pretrial order. See LR 26-1(b)(6).

4. The parties certify they met and conferred about the possibility of using alternative dispute-resolution processes including mediation and arbitration. The parties are amenable to participating in a Court settlement conference.

5. The parties certify they have considered consent to trial by a magistrate judge under 28 U.S.C. §636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program, neither of which the parties consent to.

///

///

///

6. The parties certify they have discussed and stipulated to use evidence in electronic format to jurors for the purposes of jury deliberations.

DATED this 30th day of January, 2019.

DATED this 30th day of January, 2019.

LEE HIGH, LTD.

KOLESAR & LEATHAM

/s/ Elizabeth High, Esq.
CECILIA LEE, ESQ.
ELIZABETH HIGH, ESQ.

/s/ Bart Larsen, Esq.
BART LARSEN, ESQ.
Attorney for Defendant Kenneth Cannata

MARKS & KLEIN

/s/ Andrew P. Bleiman, Esq.
ANDREW P. BLEIMAN, ESQ.
Attorneys for Plaintiff HP Tuners, LLC

IT IS SO ORDERED.


HONORABLE WILLIAM G. COBB
UNITED STATES MAGISTRATE JUDGE

DATED: February 4, 2019